

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JEWELRY 47, INC

Plaintiffs,

AFFIRMATION OF
GARY WEISS

□ -against-

LARRY BIEGLER, DIONE TILLMAN AND
ELOHIM FINANCIAL, INC.

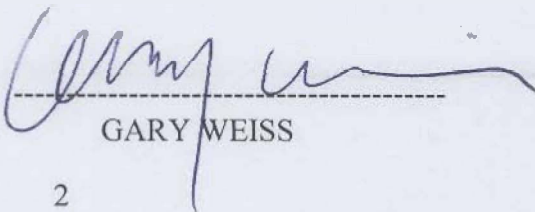
Defendants.
=====X

GARY WEISS duly affirms the following under penalties of perjury and pursuant to 28

U.S.C. 1746

1. I currently reside in the State of New York and County of Nassau. I am the President of the Plaintiff corporation, Jewelry 47, Inc and have full knowledge of the facts underlying the complaint herein.
2. On or about July 1, 2007 I had entered into a joint venture with the Defendant Larry Biegler to sell the Bahia Emerald. I attach a true copy of this agreement entered into by myself and Larry Biegler.
3. The Bahia Emerald, the largest emerald in the world is 840 pounds and 180,000 carats. I attach photographs depicting the emerald.
4. In or about July 2007, Jewelry 47, Inc. placed the Bahia Emerald on EBAY, the internet auction site. Currently the emerald is still on the site. True copies of the item are attached herewith and made part of my affirmation.

5. On or about September 11, 2007 the Defendants Elohim Financial, Inc. and Dione Tillman requested a contract to purchase the emerald at an agreed price.
6. On or about September 14, 2007 I had my attorney draft and forward a contract to the Defendant Elohim Financial Inc. and Dione Tillman for the purchase of the emerald.
7. On or about September 18, 2007 I had received an email from one Marco on behalf of the Defendant Larry Biegler. I attach herewith a true copy of this email. It was this email that alerted me that the Defendants were attempting to go through the sale without complying with the terms of our joint venture. Specifically, "No knowledge of this contract has been received by Larry. We are in the midst of a 75 million USD offer right now. No other authorization has been approved nor discussed with Mr. Biegler. Please forward any or all information for any offer for the Bahia Emerald. Please take note that any offer under 25 million USD leaves no room for any commission to any intermediary party." This last sentence alarms and frightens me that the Defendant Biegler has already decided to cut Jewelry 47, Inc. out from the transaction
8. Jeff Downey notified me on September 20, 2007 that Larry Biegler offered him on September 17, 2007 a small commission as a consolation prize. This small commission was a fraction of what Jewelry 47, Inc. would have received in accord with the contract. I then realized that the Defendant Biegler, the owner of the emerald has no intention of honoring our agreement and thus I am seeking this Court's assistance in appointing a receiver to oversee any sale.
9. Dated: September 23, 2007
New York, New York


GARY WEISS

The following is a contract which will set the terms for the sale of The Emerald Conglomerate which is described in detail within the attached appraisal forms. The terms of this agreement assume that Larry Biegler is the sole owner of the Conglomerate and that Jewelry47 (Gil Weiss and Gary Weiss) and Jeff Downey are the brokers of the Conglomerate.

90% of the sale price of the Conglomerate will go to Larry Biegler and 10% will be split evenly between Jewelry47 and Jeff Downey. All expenses, including but not limited to the transport of the Conglomerate and the insurance of the Conglomerate, will be incurred by Larry Biegler as needed. The advertising expenses related to the Conglomerate, including but not limited to eBay fees, print advertising, and promotional events, will also be incurred by Larry Biegler, but may be subject to his approval.

Larry Biegler

Date

7/1/07

Jeff Downey

Date

6-2-07

Gil Weiss

Date

Gary Weiss

Date

6-6-07

Subj: Fw: Fwd: Fwd: Letter
Date: 9/20/2007 10:47:40 A.M. Eastern Daylight Time
From: pgordon137@aol.com
To: mldeis@aol.com

Print

-----Original Message-----

From: "gary weiss" <gary@jewelry47.com>

Date: Wed, 19 Sep 2007 10:00:12
To: pgordon137@aol.com
Subject: Fwd: Fwd: Letter

----- Forwarded message -----

From: gary weiss <gary@jewelry47.com <mailto:gary@jewelry47.com> >
Date: Sep 19, 2007 9:58 AM
Subject: Re: Fwd: Letter
To: "diazinfante@comcast.net <mailto:diazinfante@comcast.net> " <diazinfante@comcast.net <mailto:diazinfante@comcast.net> >

Hi Marco, I am excited to hear that we are close to a contract for \$75,000,000.00, I would like to make a video and more photos about the Emerald (conglomerate), that will be a nice feature to have, I would like to Co-ordinate with you , so I can go out to the location of the Emerald, please advise which day will be good for me, I will make reservations with the airlines.
Gary

On 9/18/07,
diazinfante@comcast.net <mailto:diazinfante@comcast.net> <diazinfante@comcast.net <mailto:diazinfante@comcast.net> > wrote:

No knowledge of this contract has been received by Larry. We are in the midst of a 75 million USD offer right now. No other authorization has been approved nor discussed with Mr. Biegler. Please forward any-or all information for any offer for the Bahia Emerald. Please take note that any offer under 25 million USD leaves no room for any commission to any intermediary party.

Marco
for
Larry

----- Original message -----

From: "gary weiss" <gary@jewelry47.com <mailto:gary@jewelry47.com> >
> Larry and Marco ,please sign this letter , and email back to me ,so i can
> proceed smoothly with the deal.

> Gary

>

>

>

> ----- Forwarded message -----

> From: jewelry47 <gisellalarosa@gmail.com <mailto:gisellalarosa@gmail.com> >
> Date: Sep 17, 2007 2:22 PM
> Subject: Letter
> To: garyweissinc@gmail.com <mailto:garyweissinc@gmail.com>

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Thursday, September 20, 2007 America Online: Guest